

FIRST REGULAR SESSION

# SENATE BILL NO. 347

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHOEMYER.

Read 1st time January 22, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1594L.011

## AN ACT

To repeal section 301.010, RSMo, and to enact in lieu thereof two new sections relating to utility vehicles, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 301.010, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 301.010 and 304.032, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 straightening, replacing body parts, or painting;

20 (6) "Bus", a motor vehicle primarily for the transportation of a driver and  
21 eight or more passengers but not including shuttle buses;

22 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used  
23 for carrying freight and merchandise, or more than eight passengers but not  
24 including vanpools or shuttle buses;

25 (8) "Cotton trailer", a trailer designed and used exclusively for  
26 transporting cotton at speeds less than forty miles per hour from field to field or  
27 from field to market and return;

28 (9) "Dealer", any person, firm, corporation, association, agent or subagent  
29 engaged in the sale or exchange of new, used or reconstructed motor vehicles or  
30 trailers;

31 (10) "Director" or "director of revenue", the director of the department of  
32 revenue;

33 (11) "Driveaway operation":

34 (a) The movement of a motor vehicle or trailer by any person or motor  
35 carrier other than a dealer over any public highway, under its own power singly,  
36 or in a fixed combination of two or more vehicles, for the purpose of delivery for  
37 sale or for delivery either before or after sale;

38 (b) The movement of any vehicle or vehicles, not owned by the transporter,  
39 constituting the commodity being transported, by a person engaged in the  
40 business of furnishing drivers and operators for the purpose of transporting  
41 vehicles in transit from one place to another by the driveaway or towaway  
42 methods; or

43 (c) The movement of a motor vehicle by any person who is lawfully  
44 engaged in the business of transporting or delivering vehicles that are not the  
45 person's own and vehicles of a type otherwise required to be registered, by the  
46 driveaway or towaway methods, from a point of manufacture, assembly or  
47 distribution or from the owner of the vehicles to a dealer or sales agent of a  
48 manufacturer or to any consignee designated by the shipper or consignor;

49 (12) "Dromedary", a box, deck, or plate mounted behind the cab and  
50 forward of the fifth wheel on the frame of the power unit of a truck  
51 tractor-semitrailer combination. A truck tractor equipped with a dromedary may  
52 carry part of a load when operating independently or in a combination with a  
53 semitrailer;

54 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;

55 (14) "Fleet", any group of ten or more motor vehicles owned by the same  
56 owner;

57 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

58 (16) "Fullmount", a vehicle mounted completely on the frame of either the  
59 first or last vehicle in a saddlemount combination;

60 (17) "Gross weight", the weight of vehicle and/or vehicle combination  
61 without load, plus the weight of any load thereon;

62 (18) "Hail-damaged vehicle", any vehicle, the body of which has become  
63 dented as the result of the impact of hail;

64 (19) "Highway", any public thoroughfare for vehicles, including state  
65 roads, county roads and public streets, avenues, boulevards, parkways or alleys  
66 in any municipality;

67 (20) "Improved highway", a highway which has been paved with gravel,  
68 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall  
69 have a hard, smooth surface;

70 (21) "Intersecting highway", any highway which joins another, whether  
71 or not it crosses the same;

72 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon  
73 the highways and has no resale value except as a source of parts or scrap, and  
74 shall not be titled or registered;

75 (23) "Kit vehicle", a motor vehicle assembled by a person other than a  
76 generally recognized manufacturer of motor vehicles by the use of a glider kit or  
77 replica purchased from an authorized manufacturer and accompanied by a  
78 manufacturer's statement of origin;

79 (24) "Land improvement contractors' commercial motor vehicle", any  
80 not-for-hire commercial motor vehicle the operation of which is confined to:

81 (a) An area that extends not more than a radius of one hundred miles  
82 from its home base of operations when transporting its owner's machinery,  
83 equipment, or auxiliary supplies to or from projects involving soil and water  
84 conservation, or to and from equipment dealers' maintenance facilities for  
85 maintenance purposes; or

86 (b) An area that extends not more than a radius of fifty miles from its  
87 home base of operations when transporting its owner's machinery, equipment, or  
88 auxiliary supplies to or from projects not involving soil and water conservation.  
89 Nothing in this subdivision shall be construed to prevent any motor vehicle from  
90 being registered as a commercial motor vehicle or local commercial motor vehicle;

91           (25) "Local commercial motor vehicle", a commercial motor vehicle whose  
92 operations are confined solely to a municipality and that area extending not more  
93 than fifty miles therefrom, or a commercial motor vehicle whose property-carrying  
94 operations are confined solely to the transportation of property owned by any  
95 person who is the owner or operator of such vehicle to or from a farm owned by  
96 such person or under the person's control by virtue of a landlord and tenant lease;  
97 provided that any such property transported to any such farm is for use in the  
98 operation of such farm;

99           (26) "Local log truck", a commercial motor vehicle which is registered  
100 pursuant to this chapter to operate as a motor vehicle on the public highways of  
101 this state, used exclusively in this state, used to transport harvested forest  
102 products, operated solely at a forested site and in an area extending not more  
103 than a fifty-mile radius from such site, carries a load with dimensions not in  
104 excess of twenty-five cubic yards per two axles with dual wheels, and when  
105 operated on the national system of interstate and defense highways described in  
106 Title 23, Section 103(e) of the United States Code, such vehicle shall not exceed  
107 the weight limits of section 304.180, RSMo, does not have more than four axles,  
108 and does not pull a trailer which has more than two axles. Harvesting equipment  
109 which is used specifically for cutting, felling, trimming, delimiting, debarking,  
110 chipping, skidding, loading, unloading, and stacking may be transported on a  
111 local log truck. A local log truck may not exceed the limits required by law,  
112 however, if the truck does exceed such limits as determined by the inspecting  
113 officer, then notwithstanding any other provisions of law to the contrary, such  
114 truck shall be subject to the weight limits required by such sections as licensed  
115 for eighty thousand pounds;

116           (27) "Local log truck tractor", a commercial motor vehicle which is  
117 registered under this chapter to operate as a motor vehicle on the public  
118 highways of this state, used exclusively in this state, used to transport harvested  
119 forest products, operated solely at a forested site and in an area extending not  
120 more than a fifty-mile radius from such site, operates with a weight not exceeding  
121 twenty-two thousand four hundred pounds on one axle or with a weight not  
122 exceeding forty-four thousand eight hundred pounds on any tandem axle, and  
123 when operated on the national system of interstate and defense highways  
124 described in Title 23, Section 103(e) of the United States Code, such vehicle does  
125 not exceed the weight limits contained in section 304.180, RSMo, and does not  
126 have more than three axles and does not pull a trailer which has more than two

127 axles. Violations of axle weight limitations shall be subject to the load limit  
128 penalty as described for in sections 304.180 to 304.220, RSMo;

129 (28) "Local transit bus", a bus whose operations are confined wholly  
130 within a municipal corporation, or wholly within a municipal corporation and a  
131 commercial zone, as defined in section 390.020, RSMo, adjacent thereto, forming  
132 a part of a public transportation system within such municipal corporation and  
133 such municipal corporation and adjacent commercial zone;

134 (29) "Log truck", a vehicle which is not a local log truck or local log truck  
135 tractor and is used exclusively to transport harvested forest products to and from  
136 forested sites which is registered pursuant to this chapter to operate as a motor  
137 vehicle on the public highways of this state for the transportation of harvested  
138 forest products;

139 (30) "Major component parts", the rear clip, cowl, frame, body, cab,  
140 front-end assembly, and front clip, as those terms are defined by the director of  
141 revenue pursuant to rules and regulations or by illustrations;

142 (31) "Manufacturer", any person, firm, corporation or association engaged  
143 in the business of manufacturing or assembling motor vehicles, trailers or vessels  
144 for sale;

145 (32) "Mobile scrap processor", a business located in Missouri or any other  
146 state that comes onto a salvage site and crushes motor vehicles and parts for  
147 transportation to a shredder or scrap metal operator for recycling;

148 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957,  
149 which receives a new, rebuilt or used engine, and which used the number  
150 stamped on the original engine as the vehicle identification number;

151 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively  
152 upon tracks, except farm tractors;

153 (35) "Motor vehicle primarily for business use", any vehicle other than a  
154 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor  
155 vehicle licensed for over twelve thousand pounds:

156 (a) Offered for hire or lease; or

157 (b) The owner of which also owns ten or more such motor vehicles;

158 (36) "Motorcycle", a motor vehicle operated on two wheels;

159 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having  
160 an automatic transmission and a motor with a cylinder capacity of not more than  
161 fifty cubic centimeters, which produces less than three gross brake horsepower,  
162 and is capable of propelling the device at a maximum speed of not more than

163 thirty miles per hour on level ground;

164 (38) "Motortricycle", a motor vehicle operated on three wheels, including  
165 a motorcycle while operated with any conveyance, temporary or otherwise,  
166 requiring the use of a third wheel. A motortricycle shall not be included in the  
167 definition of all-terrain vehicle;

168 (39) "Municipality", any city, town or village, whether incorporated or not;

169 (40) "Nonresident", a resident of a state or country other than the state  
170 of Missouri;

171 (41) "Non-USA-std motor vehicle", a motor vehicle not originally  
172 manufactured in compliance with United States emissions or safety standards;

173 (42) "Operator", any person who operates or drives a motor vehicle;

174 (43) "Owner", any person, firm, corporation or association, who holds the  
175 legal title to a vehicle or in the event a vehicle is the subject of an agreement for  
176 the conditional sale or lease thereof with the right of purchase upon performance  
177 of the conditions stated in the agreement and with an immediate right of  
178 possession vested in the conditional vendee or lessee, or in the event a mortgagor  
179 of a vehicle is entitled to possession, then such conditional vendee or lessee or  
180 mortgagor shall be deemed the owner for the purpose of this law;

181 (44) "Public garage", a place of business where motor vehicles are housed,  
182 stored, repaired, reconstructed or repainted for persons other than the owners or  
183 operators of such place of business;

184 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned  
185 by the rebuilder, but does not include certificated common or contract carriers of  
186 persons or property;

187 (46) "Reconstructed motor vehicle", a vehicle that is altered from its  
188 original construction by the addition or substitution of two or more new or used  
189 major component parts, excluding motor vehicles made from all new parts, and  
190 new multistage manufactured vehicles;

191 (47) "Recreational motor vehicle", any motor vehicle designed, constructed  
192 or substantially modified so that it may be used and is used for the purposes of  
193 temporary housing quarters, including therein sleeping and eating facilities  
194 which are either permanently attached to the motor vehicle or attached to a unit  
195 which is securely attached to the motor vehicle. Nothing herein shall prevent any  
196 motor vehicle from being registered as a commercial motor vehicle if the motor  
197 vehicle could otherwise be so registered;

198 (48) "Rollback or car carrier", any vehicle specifically designed to

199 transport wrecked, disabled or otherwise inoperable vehicles, when the  
200 transportation is directly connected to a wrecker or towing service;

201 (49) "Saddlemount combination", a combination of vehicles in which a  
202 truck or truck tractor tows one or more trucks or truck tractors, each connected  
203 by a saddle to the frame or fifth wheel of the vehicle in front of it. The "saddle"  
204 is a mechanism that connects the front axle of the towed vehicle to the frame or  
205 fifth wheel of the vehicle in front and functions like a fifth wheel kingpin  
206 connection. When two vehicles are towed in this manner the combination is  
207 called a "double saddlemount combination". When three vehicles are towed in  
208 this manner, the combination is called a "triple saddlemount combination";

209 (50) "Salvage dealer and dismantler", a business that dismantles used  
210 motor vehicles for the sale of the parts thereof, and buys and sells used motor  
211 vehicle parts and accessories;

212 (51) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

213 (a) Has been damaged to the extent that the total cost of repairs to  
214 rebuild or reconstruct the vehicle to its condition immediately before it was  
215 damaged for legal operation on the roads or highways exceeds seventy-five  
216 percent of the fair market value of the vehicle immediately preceding the time it  
217 was damaged;

218 (b) By reason of condition or circumstance, has been declared salvage,  
219 either by its owner, or by a person, firm, corporation, or other legal entity  
220 exercising the right of security interest in it;

221 (c) Has been declared salvage by an insurance company as a result of  
222 settlement of a claim for loss due to damage or theft;

223 (d) Ownership of which is evidenced by a salvage title; or

224 (e) Is abandoned property which is titled pursuant to section 304.155,  
225 RSMo, or section 304.157, RSMo, and designated with the words  
226 "salvage/abandoned property".

227 The total cost of repairs to rebuild or reconstruct the vehicle shall not include the  
228 cost of repairing, replacing, or reinstalling inflatable safety restraints, tires,  
229 sound systems, or any sales tax on parts or materials to rebuild or reconstruct the  
230 vehicle. For purposes of this definition, "fair market value" means the retail  
231 value of a motor vehicle as:

232 a. Set forth in a current edition of any nationally recognized compilation  
233 of retail values, including automated databases, or from publications commonly  
234 used by the automotive and insurance industries to establish the values of motor

235 vehicles;

236           b. Determined pursuant to a market survey of comparable vehicles with  
237 regard to condition and equipment; and

238           c. Determined by an insurance company using any other procedure  
239 recognized by the insurance industry, including market surveys, that is applied  
240 by the company in a uniform manner;

241           (52) "School bus", any motor vehicle used solely to transport students to  
242 or from school or to transport students to or from any place for educational  
243 purposes;

244           (53) "Shuttle bus", a motor vehicle used or maintained by any person,  
245 firm, or corporation as an incidental service to transport patrons or customers of  
246 the regular business of such person, firm, or corporation to and from the place of  
247 business of the person, firm, or corporation providing the service at no fee or  
248 charge. Shuttle buses shall not be registered as buses or as commercial motor  
249 vehicles;

250           (54) "Special mobile equipment", every self-propelled vehicle not designed  
251 or used primarily for the transportation of persons or property and incidentally  
252 operated or moved over the highways, including farm equipment, implements of  
253 husbandry, road construction or maintenance machinery, ditch-digging apparatus,  
254 stone crushers, air compressors, power shovels, cranes, graders, rollers,  
255 well-drillers and wood-sawing equipment used for hire, asphalt spreaders,  
256 bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,  
257 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag  
258 lines, concrete pump trucks, rock-drilling and earth-moving equipment. This  
259 enumeration shall be deemed partial and shall not operate to exclude other such  
260 vehicles which are within the general terms of this section;

261           (55) "Specially constructed motor vehicle", a motor vehicle which shall not  
262 have been originally constructed under a distinctive name, make, model or type  
263 by a manufacturer of motor vehicles. The term "specially constructed motor  
264 vehicle" includes kit vehicles;

265           (56) "Stinger-steered combination", a truck tractor-semitrailer wherein the  
266 fifth wheel is located on a drop frame located behind and below the rearmost axle  
267 of the power unit;

268           (57) "Tandem axle", a group of two or more axles, arranged one behind  
269 another, the distance between the extremes of which is more than forty inches  
270 and not more than ninety-six inches apart;

271 (58) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor  
272 vehicle designed for drawing other vehicles, but not for the carriage of any load  
273 when operating independently. When attached to a semitrailer, it supports a part  
274 of the weight thereof;

275 (59) "Trailer", any vehicle without motive power designed for carrying  
276 property or passengers on its own structure and for being drawn by a  
277 self-propelled vehicle, except those running exclusively on tracks, including a  
278 semitrailer or vehicle of the trailer type so designed and used in conjunction with  
279 a self-propelled vehicle that a considerable part of its own weight rests upon and  
280 is carried by the towing vehicle. The term "trailer" shall not include cotton  
281 trailers as defined in subdivision (8) of this section and shall not include  
282 manufactured homes as defined in section 700.010, RSMo;

283 (60) "Truck", a motor vehicle designed, used, or maintained for the  
284 transportation of property;

285 (61) "Truck-tractor semitrailer-semitrailer", a combination vehicle in  
286 which the two trailing units are connected with a B-train assembly which is a  
287 rigid frame extension attached to the rear frame of a first semitrailer which  
288 allows for a fifth-wheel connection point for the second semitrailer and has one  
289 less articulation point than the conventional "A dolly" connected truck-tractor  
290 semitrailer-trailer combination;

291 (62) "Truck-trailer boat transporter combination", a boat transporter  
292 combination consisting of a straight truck towing a trailer using typically a ball  
293 and socket connection with the trailer axle located substantially at the trailer  
294 center of gravity rather than the rear of the trailer but so as to maintain a  
295 downward force on the trailer tongue;

296 (63) "Used parts dealer", a business that buys and sells used motor vehicle  
297 parts or accessories, but not including a business that sells only new,  
298 remanufactured or rebuilt parts. "Business" does not include isolated sales at a  
299 swap meet of less than three days;

300 (64) **"Utility vehicle", any motorized vehicle manufactured and**  
301 **used exclusively for off-highway use which is sixty-three inches or less**  
302 **in width, with an unladen dry weight of one thousand eight hundred**  
303 **fifty pounds or less, traveling on four or six wheels, to be used**  
304 **primarily for landscaping, lawn care, or maintenance purposes;**

305 (65) "Vanpool", any van or other motor vehicle used or maintained by any  
306 person, group, firm, corporation, association, city, county or state agency, or any

307 member thereof, for the transportation of not less than eight nor more than  
308 forty-eight employees, per motor vehicle, to and from their place of employment;  
309 however, a vanpool shall not be included in the definition of the term "bus" or  
310 "commercial motor vehicle" as defined by subdivisions (6) and (7) of this section,  
311 nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by  
312 section 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing  
313 arrangements, recreational, personal, or maintenance uses constitute an  
314 unlicensed use of the motor vehicle, unless used for monetary profit other than  
315 for use in a ride-sharing arrangement;

316       [(65)] **(66)** "Vehicle", any mechanical device on wheels, designed  
317 primarily for use, or used, on highways, except motorized bicycles, vehicles  
318 propelled or drawn by horses or human power, or vehicles used exclusively on  
319 fixed rails or tracks, or cotton trailers or motorized wheelchairs operated by  
320 handicapped persons;

321       [(66)] **(67)** "Wrecker" or "tow truck", any emergency commercial vehicle  
322 equipped, designed and used to assist or render aid and transport or tow disabled  
323 or wrecked vehicles from a highway, road, street or highway rights-of-way to a  
324 point of storage or repair, including towing a replacement vehicle to replace a  
325 disabled or wrecked vehicle;

326       [(67)] **(68)** "Wrecker or towing service", the act of transporting, towing  
327 or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not  
328 owned by the operator of the wrecker, tow truck, rollback or car carrier for which  
329 the operator directly or indirectly receives compensation or other personal gain.

**304.032. 1. No person shall operate a utility vehicle, as defined  
2 in section 301.010, RSMo, upon the highways of this state, except as  
3 follows:**

4       **(1) Utility vehicles owned and operated by a governmental entity  
5 for official use;**

6       **(2) Utility vehicles operated for agricultural purposes or  
7 industrial on-premises purposes between the official sunrise and sunset  
8 on the day of operation;**

9       **(3) Utility vehicles operated by handicapped persons for short  
10 distances occasionally only on the state's secondary roads when  
11 operated between the hours of sunrise and sunset;**

12       **(4) Governing bodies of cities may issue special permits for  
13 utility vehicles to be used on highways within the city limits by**

14 licensed drivers. Fees of fifteen dollars may be collected and retained  
15 by cities for such permits;

16 (5) Governing bodies of counties may issue special permits for  
17 utility vehicles to be used on county roads within the county by  
18 licensed drivers. Fees of fifteen dollars may be collected and retained  
19 by the counties for such permits.

20 2. No person shall operate a utility vehicle within any stream or  
21 river in this state, except that utility vehicles may be operated within  
22 waterways which flow within the boundaries of land which a utility  
23 vehicle operator owns, or for agricultural purposes within the  
24 boundaries of land which a utility vehicle operator owns or has  
25 permission to be upon, or for the purpose of fording such stream or  
26 river of this state at such road crossings as are customary or part of the  
27 highway system. All law enforcement officials or peace officers of this  
28 state and its political subdivisions or department of conservation  
29 agents or department of natural resources park rangers shall enforce  
30 the provisions of this subsection within the geographic area of their  
31 jurisdiction.

32 3. A person operating a utility vehicle on a highway pursuant to  
33 an exception covered in this section shall have a valid operator's or  
34 chauffeur's license, except that a handicapped person operating such  
35 vehicle pursuant to subdivision (3) of subsection 1 of this section, but  
36 shall not be required to have passed an examination for the operation  
37 of a motorcycle, and the vehicle shall be operated at speeds of less than  
38 thirty miles per hour.

39 4. No persons shall operate a utility vehicle:

40 (1) In any careless way so as to endanger the person or property  
41 of another;

42 (2) While under the influence of alcohol or any controlled  
43 substance;

44 (3) Without a securely fastened safety helmet on the head of an  
45 individual who operates a utility vehicle or who is being towed or  
46 otherwise propelled by a utility vehicle, unless the individual is at least  
47 eighteen years of age.

48 5. No operator of a utility vehicle shall carry a passenger, except  
49 for agricultural purposes. The provisions of this subsection shall not  
50 apply to any utility vehicle in which the seat of such vehicle is

51 **designed to carry more than one person.**

52 **6. A violation of this section shall be a class C misdemeanor. In**  
53 **addition to other legal remedies, the attorney general or county**  
54 **prosecuting attorney may institute a civil action in a court of**  
55 **competent jurisdiction for injunctive relief to prevent such violation or**  
56 **future violations and for the assessment of a civil penalty not to exceed**  
57 **one thousand dollars per day of violation.**

✓  
Unofficial

Bill

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